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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,008	12/08/2003	Fumiaki Itoh	03560.003431.	9138

5514 7590 01/10/2008  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/729,008

Applicant(s)

ITOH ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Massarani (6,393,484).
3. As per claim 1, Massarani teaches an address restriction method comprising the steps of: obtaining an address generated by an apparatus connected to a network and identification data unique to the apparatus (col. 6, lines 1-31); determining whether the obtained address has been generated from the obtained identification data unique to the apparatus; and sending a message forbidding the use of the obtained address according to the result of the determining step (col. 6, lines 32-53).
4. As per claim 2, Massarani teaches an address restriction method, wherein said determining step determines whether the obtained address includes predetermined data (col. 7, lines 10-23).
5. As per claim 3, Massarani teaches an address restriction method, wherein said obtaining step obtains a MAC address of a network interface provided for the apparatus, as the identification data unique to the apparatus (col. 5, lines 26-54).

6. Claims 5-7 and 9-11 have similar limitations as to claims 1-3 above; therefore, they are being rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massarani as applied to claim 1 above, and further in view of French et al. (2003/0041167). Massarani teaches the mentioned limitations of claim 1 above but fails to teach an address restriction method, wherein said sending step sends a message indicating that the obtained address has a collision. However, French et al. teaches an address restriction method, wherein said sending step sends a message indicating that

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the obtained address has a collision (see French et al., ¶ 235). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Massarani to an address restriction method, wherein said sending step sends a message indicating that the obtained address has a collision in order to provide security at logical boundaries between networks (see French et al., abstract).

10. Claims 8 and 12 have similar limitations as to claim 4 above; therefore, they are being rejected under the same rationale.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massarani as applied to claim 9 above, and further in view of Okano et al. (2002/0062485). Massarani teaches the mentioned limitations of claim 9 above but fails to teach an address restriction apparatus, wherein said determination means performs a first determination of whether the obtained address has been generated from the obtained identification data unique to the device and a second determination of whether the obtained address matches an address of the connection means; and said connection means sends the message forbidding the use of the obtained address according to the result of the first determination and the result of the second determination. However, Okano et al. teaches an address restriction apparatus, wherein said determination means performs a first determination of whether the obtained address has been generated from the obtained identification data unique to the device and a second determination of whether the obtained address matches an address of the connection means; and said connection means sends the message forbidding the use

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of the obtained address according to the result of the first determination and the result of the second determination (see Okano et al., ¶ 197). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Massarani to an address restriction apparatus, wherein said determination means performs a first determination of whether the obtained address has been generated from the obtained identification data unique to the device and a second determination of whether the obtained address matches an address of the connection means; and said connection means sends the message forbidding the use of the obtained address according to the result of the first determination and the result of the second determination in order to enable a cable modem system utilizing a DHCP (Dynamic Host Configuration Protocol) to dynamically allocate an IP address to a subscriber terminal (see Okano et al., ¶ 2).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are:

- Arndt et al. (5,708,654) teaches method for detecting proxy ARP replies from devices in a local area network
- Rodwin et al. (5,812,819) teaches remote access apparatus and method which allow dynamic internet protocol (IP) address management
- Sherer (5,935,245) teaches method and apparatus for providing secure network communications

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- Pendleton et al. (5,982,753) teaches method of testing a switched local area network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

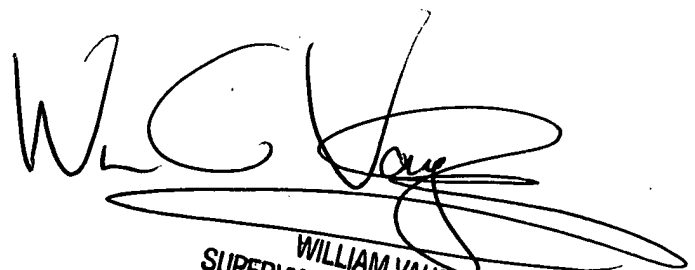
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNS

R.N.S.

12/03/2007

  
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